HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2931 of 2007

15th February 2007

Between:

Kalidindi Leela, W/o.Venkata Rama Raju, 45 years, Occ.House Wife, R/o.D.No.50-121-74/19, Sri Rama Apartments, Balayyasastri Layout, Visakhapatnam.

...PETITIONER

And

1. Govt. of A.P., Rep., by its Principal Secretary, Revenue, Secretariat, Hyderabad

And one another.

...RESPONDENTS

HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2931 of 2007

ORDER:

Petitioner states that she is the absolute owner and possessor of land admeasuring 300 square yards in Survey No.50/2 of Purushothapatnam Village, Pendurthy Mandal, Visakhapatnam District. It is stated that she entered into an agreement of sale, dated 27.10.2004, with one Kollamaram Gangireddy, in respect of the said land, and with a view to execute the sale deed, she approached the second respondent, requesting him to furnish the basic value of the property, to enable her to compute the stamp duty. The grievance of the petitioner is that the second respondent is not entertaining any document, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act, in case the petitioner approaches him.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the documents that may be presented by the petitioner; and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

15th February 2007

Note: CC by one week
B/O
RRB

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77